

BEYOND BACCALAUREATE: GRADUATE PROGRAMS IN THE HIGHER EDUCATION ACT

HEARING

BEFORE THE
SUBCOMMITTEE ON SELECT EDUCATION
OF THE
COMMITTEE ON EDUCATION
AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

September 9, 2003

Serial No. 108-30

Printed for the use of the Committee on Education and the Workforce



Available via the World Wide Web: <http://www.access.gpo.gov/congress/house>
or
Committee address: <http://edworkforce.house.gov>

U.S. GOVERNMENT PRINTING OFFICE
90-135 PDF

For sale by the Superintendent of Documents, U.S. Government Printing Office
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C O N T E N T S

	Page
Hearing held on September 9, 2003	1
Statement of Members:	
Hinojosa, Hon. Ruben, a Representative in Congress from the State of Texas	4
Porter, Hon Jon C., a Representative in Congress from the State of Nevada	2
Prepared statement of	3
Statement of Witnesses:	
Allen, William Barclay, Professor of Political Philosophy and Director, Program in Public Policy and Administration, Michigan State University	16
Prepared statement of	17
Cardenas, Blandina, Dean, College of Education and Human Development, University of Texas at San Antonio	19
Prepared statement of	21
Hall, Daniel, Vice President for External Affairs, University of Louisville and Chairman, Government Relations Committee, Council on Legal Education Opportunity	14
Prepared statement of	15
Letter submitted for the record	31
Lewis, Earl, Dean of The Rackham Graduate School, Vice Provost for Academic Affairs for Graduate Studies, and Professor of History, University of Michigan	7
Prepared statement of	9
Additional materials supplied:	
Archer, Dennis W., President, American Bar Association, Letter submitted for the record	38
Pompa, Delia, Executive Director, and Patricia Loera, Legislative Director, National Association for Bilingual Educators, Statement submitted for the record	40

BEYOND BACCALAUREATE: GRADUATE PROGRAMS IN THE HIGHER EDUCATION ACT

Tuesday, September 9, 2003
U.S. House of Representatives
Subcommittee on Select Education
Committee on Education and the Workforce
Washington, DC

The Subcommittee met, pursuant to notice, at 2:05 p.m., in room 2175, Rayburn House Office Building, Hon. Jon Porter [Vice Chairman of the Subcommittee] presiding.

Present: Representatives Porter, Greenwood, Gingrey, Hinojosa, and Davis of California.

Also present: Representative Owens.

Staff present: Pam Davidson, Professional Staff Member; Alexa Marrero, Press Secretary; Krisann Pearce, Deputy Director of Education and Human Resources Policy; Alison Ream, Professional Staff Member; Deborah L. Samantar, Committee Clerk/Intern Coordinator; Kathleen Smith, Professional Staff Member; Jo-Marie St. Martin, General Counsel; Liz Wheel, Legislative Assistant; Catharine Meyer, Legislative Assistant; Ellynne Bannon, Minority Legislative Associate/Education; Ricardo Martinez, Minority Legislative Associate, Education; and Joe Novotny, Minority Legislative Assistant/Education.

Vice Chairman PORTER. The Subcommittee on Select Education of the Committee on Education and the Workforce will come to order.

We're holding this hearing today to hear testimony on "Beyond Baccalaureate: Graduate Programs in the Higher Education Act."

Under Committee rule 12(b), opening statements are limited to the Chairman and the ranking minority member of the Committee. Therefore, if other members have statements, they will be included in the hearing record.

With that, I ask unanimous consent for the hearing record to remain open for 14 days to allow member statements and other extraneous material referenced during the hearing to be submitted in the official hearing record.

Without objection, so ordered.

**STATEMENT OF HON. JON C. PORTER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEVADA**

Vice Chairman PORTER. Good afternoon. I'm Representative Jon Porter and a member of the Subcommittee on Select Education. Unfortunately, our Chairman, Mr. Hoekstra, had an obligation to travel to Iraq with another Committee and is unable to join us today.

I thank you for joining us for our hearing. It's entitled, "Beyond Baccalaureate: Graduate Programs in the Higher Education Act."

We appreciate your willingness to share your insights and expertise about the various graduate programs authorized under Title VII of the Higher Education Act and offer suggestions for the reauthorization of this title today.

This hearing is another in our continuing series focusing on the reauthorization of the Higher Education Act. The reauthorization of the Higher Education Act offers Congress an opportunity to enact needed reforms to the programs covered under the Act, with the goal of building upon those that are working well and improving those in need of update.

The reauthorization process is guided by four principles: affordability, accessibility, consumer empowerment, and fairness. Each of these principles will help us in meeting our goals to expand postsecondary education opportunities for needy students, both undergraduate and graduate.

The principles will also help to realign programs to place a priority on serving students who seek to enroll in college and have the dream of pursuing graduate studies. Through this reauthorization, we will be working diligently to ensure that the Federal contribution to higher education is expanding access to students at all levels.

This Subcommittee has jurisdiction over Title VII in the Higher Education Act. We are here today to learn more about the programs that are authorized and funded under Title VII, which are some of the oldest programs of Federal support to higher education in the country.

With the passage of the Higher Education Act in 1965, Congress made great strides in highlighting the importance of postsecondary education.

For the first time, many were afforded the opportunity to pursue their dreams of earning a college degree. Countless numbers of students have taken advantage of these programs, and as a result, our nation has enjoyed the benefits of a more educated society.

As we enter the 21st Century, the need for advanced education is becoming increasingly more crucial to successfully maintaining our place in the technologically-advanced economy. Now more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study.

Currently, nearly 2 million students attend one of over 1,800 graduate school programs in our country, and this number is on the rise. According to the Council of Graduate Schools, total graduate enrollment in the United States rose by 3 percent between 2000 and 2001 and is expected to rise in the coming years.

Graduate education produces immeasurable benefits for our nation. Not only do these programs enrich our citizenry, but they also

nurture discovery and innovation that will someday lead to medical and technological advancements.

Graduate programs also train the next generation of researchers, engineers, doctors, lawyers, poets, and professors. These individuals will be vitally important in preparing the United States to meet the challenges of the future in our global economy.

Title VII of the Higher Education Act authorizes three graduate fellowship programs:

The Graduate Assistance in Areas of National Need; the Jacob K. Javits Fellowship Program; and the Thurgood Marshall Legal Educational Opportunity Program.

Collectively, they encourage students to advance their knowledge in scientific and technical fields, the arts and humanities, and legal studies, by providing financial assistance as well as support services to those displaying academic excellence in their field of study. Each year, Congress appropriates nearly \$45 million to assist these students in pursuing their goals.

I'm expecting some of our witnesses here today will also discuss the need to highlight specific disciplines that need to be considered under the Title VII programs. I will be interested to hear how we can address these issues under the current programs.

As we move forward with the reauthorization of the Higher Education Act, HEA, we must continue to build on the success of those valuable programs that prepare the next generation of scholars. Graduate education is essential to maintaining our place in the world economy.

I look forward to hearing from our distinguished witnesses and any recommendations they may have to improve and enhance these programs, as well as any recommendations that address issues for graduate education that are not currently met through Title VII.

With that, I yield to my colleague for any opening statements he may have.

The statement of Mr. Porter follows:

Statement of Hon. Jon Porter, a Representative in Congress from the State of Nevada

Good Afternoon. I am Representative Jon Porter and a member of the Subcommittee on Select Education. Unfortunately, Chairman Hoekstra had an obligation to travel to Iraq with another committee and is unable to join us today. Thank you for joining us for our hearing today entitled, "Beyond Baccalaureate: Graduate Programs in the Higher Education Act." We appreciate your willingness to share your insights and expertise about the various graduate programs authorized under Title VII of the Higher Education Act and offer suggestions for the reauthorization of this title. This hearing is another in our continuing series focusing on the reauthorization of the Higher Education Act. The reauthorization of the Higher Education Act offers Congress an opportunity to enact needed reforms to the programs covered under the Act, with the goal of building upon those that are working well, and improving those in need of update. The reauthorization process is guided by four principles—affordability, accessibility, consumer empowerment, and fairness. Each of these principles will help us in meeting our goals to expand postsecondary education opportunities for needy students, both undergraduate and graduate. The principles will also help to realign programs to place a priority on serving students who seek to enroll in college and have the dream of pursuing graduate studies. Through this reauthorization, we will be working diligently to ensure that the federal contribution to higher education is expanding access to students at all levels.

This subcommittee has jurisdiction over Title VII in the Higher Education Act and as such, we are here today to learn more about the programs that are authorized and funded under Title VII, which are some of the oldest programs of federal support to higher education. With the passage of the Higher Education Act in 1965,

Congress made great strides in highlighting the importance of postsecondary education. For the first time, many were afforded the opportunity to pursue their dreams of earning a college degree. Countless numbers of students have taken advantage of these programs and as a result our nation has enjoyed the benefits of a more educated society.

As we enter the 21st Century, the need for advanced education is becoming increasingly more crucial to successfully maintaining our place in the technologically-advanced economy. Now, more than ever, our citizens are obtaining graduate degrees in order to gain more expertise in their field of study. Currently, nearly 2 million students attend one of over 1,800 graduate school programs in our country. And, this number is on the rise. According to the Council of Graduate Schools, total graduate enrollment in the United States rose by 3 percent between 2000 and 2001 and is expected to rise in the coming years.

Graduate education produces immeasurable benefits for our nation. Not only do these programs enrich our citizenry, but they also nurture discovery and innovation that will someday lead to medical and technological advancements. Graduate programs also train the next generation of researchers, engineers, doctors, lawyers, poets, and professors. These individuals will be vitally important in preparing the United States to meet the challenges of the future.

Title VII of the Higher Education Act authorizes three graduate fellowship programs: The Graduate Assistance in Areas of National Need (GAANN) program, the Jacob K. Javits Fellowship program, and the Thurgood Marshall Legal Educational Opportunity program. Collectively, they encourage students to advance their knowledge in scientific and technical fields, the arts and humanities, and legal studies by providing financial assistance as well as support services to those displaying academic excellence in their field of study. Each year, Congress appropriates nearly \$45 million to assist these students in pursuing their goals.

I am expecting some of our witnesses here today will also discuss the need to highlight specific disciplines that need to be considered under the Title VII programs. I will be interested to hear how we can address these issues under the current programs.

As we move forward with the reauthorization of the Higher Education Act (HEA), we must continue to build on the success of these valuable programs that prepare the next generation of scholars. Graduate education is essential to maintaining our place in the world economy. I look forward to hearing from our distinguished witnesses and any recommendations they may have to improve and enhance these programs, as well as address issues for graduate education that are not currently met through Title VII.

With that, I would yield to my colleague, Mr. Hinojosa, for any opening statement that he might have.

STATEMENT OF HON. RUBEN HINOJOSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. HINOJOSA. Thank you very much, Chairman Porter. I would like to thank you for holding this hearing and convening such a distinguished panel of witnesses.

Although the Title VII programs make up a small part, financially, of the Higher Education Act, they are very critical to expanding access and fostering innovation in higher education.

The programs under Title VII provide graduate fellowships in areas of national need. They open the doors to law school for under-represented groups. They assist institutions of higher education in providing the necessary supports to ensure that students with disabilities, who are entering our colleges in record numbers, as the Chairman stated earlier, are successful.

Finally, Title VII represents the Federal commitment to innovation in higher education through the Fund for Improvement of Post-secondary Education.

In a knowledge economy, advanced training is essential. Sadly, in the Hispanic community, we are woefully behind in attaining advanced degrees. In fact, recent Census figures show that Hispanics

have the lowest rate of completing advanced degrees—less than 4 percent.

As the Hispanic community continues to grow, it is essential that we reverse this trend and expand opportunities for graduate education in the Hispanic community. I hope that we will seize the opportunity of this reauthorization bill to accomplish that goal.

I would also like to mention that we are making great strides in providing access to higher education for students with disabilities. Our focus on academic achievement for all students, including students with disabilities, means that our colleges must get ready fast to address those needs.

The demonstration projects to ensure students with disabilities receive a quality education that we authorized in 1998 were a good first step.

In my congressional district, the University of Texas Pan American has an excellent project which has made a real difference for students with disabilities in the Rio Grande Valley of South Texas.

Finally, I hope that our witnesses will also discuss how Title VII programs can help address an area of acute need, the shortage of faculty in our colleges of education, particularly in the fields of special education, bilingual education, and English as a second language.

Quality teaching and research-based methods of instruction underpin the reforms of the No Child Left Behind Act. We will not be able to train highly qualified teachers, nor produce the scientifically based research necessary to improve instruction without well-prepared faculty at our colleges and universities.

I would like to thank the witnesses for being here today, and I am eager to hear your testimony. Thank you, Mr. Chairman.

Vice Chairman PORTER. Thank you, Mr. Hinojosa.

We have a distinguished panel of witnesses before us, and I thank them for coming today. At this time, I'd like to introduce our witnesses.

We have Dean Earl Lewis. Dr. Lewis serves as the vice provost for graduate studies and also as the dean of the Horace H. Rackham Graduate School at the University of Michigan. In this capacity, he is responsible for emphasizing interdisciplinary studies, diversity of program offerings, and quality of teaching and research.

Prior to his current position, Dr. Lewis taught in both the History Department and the Center for African and African-American Studies. He is immediate past chair of the Board of Directors of the Council of Graduate Schools, and is the national chair with the Woodrow Wilson Responsive Ph.D. Project.

Dr. Lewis, welcome. We appreciate you being here, very much.

Mr. Daniel Hall. Mr. Hall has recently been appointed as the vice president for external affairs at the University of Louisville, where he also served as vice president for university relations since 1998. Previously, he was chief of staff to former U.S. Congressman Romano L. Mazzoli.

Mr. Hall currently serves on the Council on Governmental Affairs for the National Association of State Universities and Land Grant Colleges, and on the Council of Legal Education Opportunities board of directors.

Mr. Hall, welcome. The Subcommittee appreciates you being here.

Dr. William B. Allen. Dr. Allen is currently a professor of political science at Michigan State University. He has served as a member of the National Council for the Humanities and also as the chair of the United States Commission on Civil Rights.

Dr. Allen has garnered national recognition, having been named a Kellogg National Fellow and also to the 1997 Templeton Honor Roll.

He has recently added to the scholarship on higher education by publishing "Habits of the Mind: Fostering Access and Excellence in Higher Education."

Doctor, welcome. We appreciate you being here.

At this time, I yield to Mr. Hinojosa to introduce the final witnesses, and I recognize him for that purpose.

Mr. HINOJOSA. Thank you, Mr. Chairman and members of the Subcommittee.

It is my pleasure to introduce a distinguished educator who I'm proud to count as a colleague and a wonderful friend. Dr. Blandina "Bambi" Cardenas has devoted her entire career to opening the doors of education to all, from pre-school through graduate school. Dr. Cardenas is currently professor of educational leadership and the dean of the College of Education and Human Development at the University of Texas at San Antonio.

Some of her previous positions include director of the Office of Minorities in Higher Education at the American Council on Education. She was vice president for institutional advancement at Our Lady of the Lake University. She was director of training at the Intercultural Development Research Association, and also the commissioner of the administration for Children, Youth, and Families in the Department of Health, Education and Welfare, where she led the nation's Head Start program. Additionally, she served two 6-year terms on the United States Commission on Civil Rights.

Formerly a teacher at both pre-school and high school levels, Dr. Cardenas also served as the director of development of innovative programs at the Edgewood Independent School District, where she designed an extensive array of programs that became national models.

As early as 1969, Dr. Cardenas pioneered the implementation of bilingual infant stimulation programs—she is the author of Bilingual Early Childhood Education for Severely Handicapped Children—programs to credential teachers' aides, and youth tutoring and youth involvement in experiential learning.

A native Texas, Dr. Cardenas received her Bachelor of Journalism degree from the University of Texas at Austin and her doctorate in education administration from the University of Massachusetts at Amherst.

Welcome, Dr. Cardenas. We are looking forward to your testimony.

Vice Chairman PORTER. Thank you.

Before the witnesses begin their testimony, I'd like to remind the members that we'll be asking questions after the entire panel has testified.

In addition, Committee Rule 2 imposes a 5-minute limit on all questions.

Now, for the panel, I just finished reading this great script prepared by my staff. Let me go off the script for a moment and say again, we appreciate you being here and look forward to your testimony.

There are timer lights and of course stop, go, and we'll let you know when your time has lapsed.

Also, I will be introducing each of you again when it's your turn to speak, but we appreciate your being here and look forward to your testimony.

Dr. Lewis.

STATEMENT OF EARL LEWIS, DEAN OF THE RACKHAM GRADUATE SCHOOL, VICE PROVOST FOR ACADEMIC AFFAIRS FOR GRADUATE STUDIES, AND PROFESSOR OF HISTORY, UNIVERSITY OF MICHIGAN

Mr. LEWIS. Thank you, Mr. Chairman. My name is Earl Lewis. I am the past chair of the board of directors of the Council of Graduate Schools, a national association that represents all of the institutions receiving Javits and GAANN awards, and I'm a current member of the Executive Committee of the Association of Graduate Schools, which is part of the Association of American Universities.

I am pleased to testify before the Subcommittee on behalf of CGS and other educational associations listed in my written statement.

My testimony is on the importance of graduate assistance in areas of national need, GAANN, and the Jacob K. Javits Fellowships Program in Title VII of the Higher Education Act.

I will highlight three recommendations to enhance these programs so they can better meet national needs.

To begin, graduate education in the United States is the best in the world, so much so that other nations openly admire and emulate our graduate programs.

Congress has made investment in graduate education an important national priority. Federal support has helped our graduate schools train and prepare new generations of outstanding scientists, engineers, doctors, lawyers, business and governmental leaders, and scholars and teachers for our colleges and universities. This far-sighted national investment pays enormous dividends.

Apart from the great benefits to our knowledge and national well-being, let me point out a special reason why Federal investment in graduate education is so important.

Although funding for graduate education comes from a variety of sources, the Federal Government is the primary source of funds for many students as they seek to finance their education. This is because talented students with a master's or Ph.D. degree are a highly mobile national resource.

We have seen in Ann Arbor, for example, how scientists and scholars are eager to move to leading sites of research. For this reason, Federal investment makes very good sense. Alumni of Michigan graduate programs are located at such sites across the Nation and around the world, and it is the United States that reaps the dividends wherever the individual is employed.

Unlike graduate education programs authorized in other Federal agencies, Title VII funding encompasses the sciences, engineering, arts, social sciences, and humanities, and this is very important.

Within Title VII, the GAANN and Javits Fellowship Programs work, they really work. They attract exceptionally promising students into graduate studies and increase the number of U.S. citizens earnings degrees, Ph.D. degrees.

Let me briefly outline both of these programs, and then offer three recommendations.

GAANN provides competitive grants to academic departments and programs in fields that the Secretary of Education designates as areas of national need. These programs award fellowships to the very best U.S. students.

In fiscal year 2003, GAANN will provide support to approximately 940 graduate students and 180 academic departments across the country.

Meanwhile, the Javits Program has a different but equally critical purpose. The Javits Program supports outstanding scholars who focus on the study of human values, relations, governance, culture, civilization, and belief. Importantly, it is the only Federal program to support multi-year doctoral studies in the arts and humanities. These awards are portable, and the stipend is based upon financial need.

I come here today, then, to present three recommendations for improving the GAANN and Javits Programs under the upcoming reauthorization of the Higher Education Act. These recommendations will both improve their administration and help ensure that the programs achieve their goals.

First, we need to strengthen the authorized appropriations levels for GAANN and Javits. Both GAANN and Javits work well, but the annual appropriations process has left them chronically underfunded.

For example, in 1986, 211 Javitses were awarded. In 1995, only 25 new Javitses were awarded. This year, 45 were awarded. As a nation, we should be doing more.

Second, we need to eliminate Title IV need analysis and replace it with an institution-based approach.

The Department of Education is the only Federal agency that subjects graduate stipend levels to individual financial need analysis. This requirement is inconsistent with Federal graduate education policy.

Congress should eliminate the Title IV requirement and restore the provision of law that was in effect prior to the 1998 reauthorization of the Higher Education Act.

Third, we need to clarify the link between the stipend levels of GAANN and Javits and the National Science Foundation Graduate Research Fellowship Program.

Currently, the Higher Education Act states that the stipend levels for Javits and GAANN shall be, "set at a level of support equal to that provided by the National Science Foundation Graduate Fellowships."

This should be clarified so that GAANN and Javits stipend levels are set to the levels of the National Science Foundation Graduate

Research Fellowship Program, rather than to graduate fellowships in general.

So in conclusion, the Title VII Javits and GAANN Programs have served our nation well. With Congressional support, they will continue to do so.

The GAANN and Javits programs support exceptionally bright and dedicated graduate students who will be tomorrow's leaders. Investing in their future is an investment in America.

I thank you for the opportunity to testify on these important issues.

[The prepared statement of Mr. Lewis follows:]

Statement of Earl Lewis, PhD, Dean of the Rackham Graduate School, Vice Provost for Academic Affairs for Graduate Studies, and Professor of History, University of Michigan, On behalf of: American Council on Education, Association of American Universities, Council of Graduate Schools, National Association of College and University Business Officers, National Association of Independent Colleges and Universities, National Association of State Universities and Land-Grant Colleges, and National Association of Student Financial Aid Administrators

My name is Earl Lewis and I am the Dean of the Rackham Graduate School and Vice Provost for Academic Affairs for Graduate Studies at the University of Michigan, where I am also the Elsa Barkley Brown and Robin D. G. Kelley Collegiate Professor of History and African-American and African Studies. I am pleased to testify before this Subcommittee on behalf of the Association of American Universities, the Council of Graduate Schools, the National Association of State Universities and Land-Grant Colleges, the American Council on Education, the National Association of College and University Business Officers, the National Association of Independent Colleges and Universities, and the National Association of Student Financial Aid Administrators

My testimony will focus on the history and importance of the Graduate Assistance in Areas of National Need (GAANN) and the Jacob K. Javits Fellowships programs of Title VII of the Higher Education Act (HEA). My testimony will also highlight three recommendations to enhance these programs so they can better meet national needs.

THE IMPORTANCE OF FEDERAL SUPPORT FOR GRADUATE EDUCATION

Graduate programs in the United States are respected and emulated worldwide. Our graduate institutions attract the best and brightest students domestically and overseas. Our nation's unique system of combining graduate education with research strengthens the American education system and serves as the backbone for our nation's leadership in science and technology. Graduate education is the primary way our nation educates and trains scientists, engineers, doctors, lawyers, business and government leaders, and college and university faculty.

Graduate education prepares the scientists and engineers needed by industry, government, and universities to conduct the nation's research and development. Graduate programs also educate the scholars in the humanities, social sciences, and the arts who preserve and enlarge our understanding of the history and scope of human thought and the human condition, and transmit that knowledge to succeeding generations. Moreover, graduate programs at our nation's universities generate new knowledge and act as incubators of innovative ideas that drive new technologies and create new ways to address societal, health, security, and economic needs and challenges.

GAANN and Javits are two important and complementary elements of the federal government's investment in graduate education. The federal government provides support for graduate education through: competitively funded fellowships, like Javits Fellowships; traineeships, like GAANN; research and teaching assistantships; work study; tax breaks; and student loans. In many disciplines, most federal support for graduate students is provided through research assistantships. However, the federal government provides significant levels of support in the form of competitively awarded fellowships and traineeships as well. These awards are given to exceptional U.S. students and permanent residents who hold great promise in their chosen field of study, and these awards help to meet national needs for high quality talent.

Federal support for graduate education comes from multiple mission-driven agencies and Cabinet-level departments, including the National Science Foundation, the National Institutes of Health, NASA, the Department of Defense, the Department of Energy, the Department of Agriculture, the Department of State, the Environmental Protection Agency, and of course, the Department of Education.

According to the National Center for Education Statistics, in 1999-2000, 60 percent of all graduate and professional students and 82 percent of those enrolled full time, full year received some type of financial aid, including grants, fellowships, loans, assistantships or work study.

The federal investment in graduate education fills the same crucial funding gap that federal support provides for basic research. Although graduate students benefit from state investments, private foundation support, industry funding, and institutional resources, the federal government is the primary source of funds for students to finance their education. Talented students with a master's or Ph.D. degree are a highly mobile national resource. For that reason, states are reluctant to invest in graduate education. When the federal government makes the investment, the nation reaps the dividends regardless of where the recipient of the assistance ends up employed.

Title VII graduate education programs play an integral role in the support of American students pursuing graduate degrees. Unlike graduate education programs authorized in other federal agencies, the Title VII graduate education programs administered by the Department of Education provide support for the entire range of academic disciplines, including the sciences, engineering, arts, social sciences, and humanities.

The GAANN and Javits Fellowship programs of Title VII are designed to increase the number of talented college graduates who pursue careers in teaching and research. The GAANN program supports academically-gifted students in the areas of national need such as biology, engineering, physics, and mathematics. The Javits program provides fellowships to outstanding students in the arts, humanities, and social sciences. Both of these programs attract exceptionally promising students into graduate study and in so doing, they increase the number of U.S. citizens earning Ph.D.s in important areas that are currently experiencing low U.S. enrollments. Together, GAANN and Javits complement each other and play an important role in supporting key academic disciplines vital to the nation's scientific, technological, economic, security, cultural, and societal needs.

GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED (GAANN)

GAANN, first authorized in 1992, was designed to reverse the decline in the number of U.S. students enrolling in graduate programs in fields critical to the nation. It closely resembles the National Defense Education Act of 1958, which was highly successful in drawing new talent into our nation's doctoral programs following the launching of Sputnik. Federal support of GAANN is a key mechanism for attracting talented U.S. students to doctoral programs in areas of great importance to our nation.

GAANN provides competitive grants to academic departments and programs at colleges and universities that in turn award fellowships to excellent students who pursue the highest degree available in a field designated by the Secretary of Education as an area of national need. The current areas of national need are: Biology, Chemistry, Computer and Information Science, Engineering, Geological Science, Mathematics, and Physics. The Secretary also accepts multidisciplinary and interdisciplinary applications, which propose projects incorporating two or more areas of national need. Institutions that receive GAANN awards are required to provide a matching contribution equal to at least 25 percent of the amount of the grant received.

For fiscal year 2003, 261 proposals were received by the Department of Education and 94 new proposals were selected. These new awards will support just over 500 new graduate students. In total, GAANN will provide support to 180 academic departments (new and continuing awards) that will support approximately 940 graduate students in fiscal year 2003. The average award will be approximately \$203,000 and the maximum stipend level award to be given to students is \$21,500, (the actual amount is based on the recipient's financial need), plus an institutional payment to cover tuition and fees in the amount of \$11,296 for each student.

At the University of Michigan, five academic departments currently receive GAANN awards, including Applied Physics, Chemistry, Chemical Engineering, Electrical Engineering, and Geological Sciences. These awards will support about 25 students in the academic year that is now underway. In addition to these, since 1998 the University of Michigan has received four other GAANN awards in Biomedical

Engineering, Chemical Engineering, and Computer Science, and Industrial Operations.

GAANN traineeships enable some of the nation's brightest doctoral students to become the scientists, teachers, and scholars of tomorrow. These students become responsible for the discovery and dissemination of new knowledge that is crucial to our nation's vitality.

Let me offer one example of how GAANN is making a difference in graduate education at the University of Michigan. The award to the Chemistry department is being used to broaden doctoral education by deeply integrating the Ph.D. work of the GAANN recipients with an innovative scholarly component on undergraduate teaching and learning. This is a cutting-edge model of integrative graduate training in both research and learning that responds to a national need for strengthening science education at the undergraduate level while ensuring the continued excellence of research-based graduate education.

JACOB K. JAVITS FELLOWSHIPS

Originally named the National Graduate Fellows Program, the Jacob K. Javits Fellowships program was created by Congress as a part of the 1980 reauthorization of the HEA. Senator Javits' original purpose for the program was to create a counterpart to the National Science Foundation's (NSF) Graduate Research Fellowship Program. Specifically, he proposed that the program should encourage highly talented students to undertake doctoral study in the arts, humanities, and social sciences by providing a level of support comparable to federally-funded graduate fellowships in science and engineering fields. Javits is the only federal program that supports multi-year doctoral study in the arts and humanities.

Competition for the Javits Fellowships is selective and is based solely upon academic merit, and award levels are currently determined by each student's financial need. Javits Fellowships are portable. This provides the students the ability to select programs that, in their view, provide the best training in a given field. This portability also facilitates the pursuit of interdisciplinary studies by Javits fellows. Importantly, Javits supports individuals who in many cases are pursuing academic careers in fields where financial rewards upon Ph.D. completion are relatively small.

Javits is one of the most competitive fellowship programs in the nation, with approximately 35 applicants for each award. Although the selection criteria are different, there are fewer applicants per award for the prestigious Rhodes scholarships than there are for Javits Fellowships. With this intense competition, the program is supporting the brightest students who have the highest potential to become the eminent scholars and notable teachers and leaders of the future.

This year, 1,676 applications were received by the Department of Education and 45 new fellows were selected. In total, Javits will support 309 new (45) and continuing (264) fellows in fiscal year 2003, and an estimated 307 new (102) and continuing (205) fellows in fiscal year 2004. This is far below the peak number of fellows the program supported in academic year 2001 at 420 fellows. The maximum stipend level award to be given to students for fiscal year 2003 is \$21,500, (the actual amount is based on the recipient's financial need), plus an institutional payment to cover tuition and fees in the amount of \$11,296.

The University of Michigan is proud to have nine Javits fellows enrolled this year in the disciplines of Anthropology, History, Music, Political Science, Psychology, and Women's Studies. I believe that the excellence of the Javits fellows at my university is indicative of all Javits fellows and the promise they hold for contributing to our society.

Graduate education in the humanities, social sciences, and the arts produces the teachers and scholars who provide students with the tools for exploring human thought and creative expression, connect them with their common intellectual inheritance, and enrich their capacity for critical thinking by applying the lessons of the past to current problems and future challenges. In the classroom and beyond, teaching and scholarship in the humanities, social sciences, and the arts inform the public discourse essential to the functioning of our democracy.

In a September 2002 speech, Catharine Stimpson the Dean of the Graduate School of Arts and Science at New York University noted the importance of the humanities, arts, and social sciences to the current challenges facing our nation. She said:

Let me offer one stark, contemporary example: a man planning a major act of bioterrorism. We won't get him - in all meanings of that word - if all that we do is to declare war and have law enforcement target him. We also need the artist to imagine him; the humanist to hear his own words and translate his languages, and understand his history and religion; the social sci-

entist to map his politics, ethnography, and psychology; and the scientist to decipher what his weapon is and how to disarm it. Only with this collaboration will we begin to be able to understand him, and only if we understand him, can we really stop him and the next generation of terrorists he might be recruiting.

More recently, the Javits Board noted the value of the Javits program in its May 2003 report. The report states:

[T]he Javits program supports outstanding scholars whose research focuses on human values, relations, governance, culture, civilization, and belief. As our world grows increasingly interconnected and the consequences of human decisions more profound, we are reminded of the importance of continuing to develop cohorts of future educators and leaders who are well versed in these areas of inquiry and prepared to make informed and balanced judgments for the human good.

RECOMMENDATIONS FOR GAANN AND JAVITS FOR HEA REAUTHORIZATION

Both the GAANN and Javits programs work well but have been chronically underfunded in the federal government's annual appropriations process. The programs should be reauthorized to continue the complementary arrangement of traineeships in areas of national need, such as science and engineering, and through fellowships to students in the arts, humanities, and social sciences. The programs could benefit from some important enhancements that will improve their administration and the ability of the programs to achieve their goals.

To this end, I make the following recommendations:

- I. Strengthen the authorized appropriations levels for GAANN and Javits;
- II. Eliminate Title IV need analysis, and replace with institution-based approach; and
- III. Clarify link between the stipend levels of GAANN and Javits and the National Science Foundation Graduate Research Fellowship Program.

I. Strengthen the Authorized Appropriations Levels for GAANN and Javits

Adequate numbers of student awards are important to sustain the vitality and effectiveness of GAANN and Javits. Appropriations for these programs have not kept pace with inflation or their authorized funding levels for more than a decade. For example, Javits has a long history of inconsistent funding. The annual number of new Javits fellowships awarded has fluctuated significantly since the inception of the program. The programmatic high was in 1986 when 211 new fellowships were awarded. In 1995, only 25 new fellowships were awarded.

Congress should use reauthorization of the HEA as an opportunity to strengthen the nation's commitment to graduate education by authorizing increased funding for GAANN and Javits. Specifically, we recommend that sufficient funding be authorized to support at least an annual total of 1,200 GAANN traineeships, including 400 new awards, and an annual total of at least 400 Javits fellowships, including 100 new awards¹. These levels of investment would reinvigorate GAANN and Javits at a time when our nation must have the intellectual capability to respond to increased national security threats and to maintain our leadership position in the world economy.

II. Eliminate Title IV Need Analysis, and Replace with Institution-Based Approach

As previously noted, current law requires that applicants for GAANN and Javits programs undergo HEA Title IV federal need analysis to determine the amount of their stipend awards to students. All graduate and professional students are by definition independent students and therefore, highly likely to have financial need. Moreover, if a student is married or worked the year prior to enrollment, the government will likely determine that there is no need. In such cases, the financial aid officer is permitted to exercise professional judgment and can decide to override the government's calculation and determine that the student is eligible for some or all the GAANN or Javits stipend award.

The Department of Education is the only federal agency that subjects graduate stipend levels to financial need analysis and in this way it is inconsistent with federal graduate education policy. In fact, Department of Education is inconsistent within itself: other programs in the Department that provide support to graduate

¹The Jacob K. Javits Board recommended in its May 2003 report that program should award 180 new fellowships each year, which is approximately equal to 20 percent of the NSF Graduate Research Fellowships awarded annually. The higher education community in January 2003 recommended a minimum of at least 100 new awards annually. The higher education community endorses the Javits Board recommendation of a target of 180 new awards annually.

students, such as the Fulbright-Hays and Foreign Language and Area Studies Fellowships, do not require need analysis in determining student award levels.

Federal need analysis is primarily an undergraduate student aid policy and it should not be applied to graduate stipend awards. The higher education community is fully supportive of keeping undergraduate student aid need-based. For several decades, federal graduate education policy's central principle has been merit-based support - attracting and investing in the very best students. This should continue to be the case and should apply to all federal graduate education programs.

With respect to the practical application of the Title IV need analysis to GAANN and Javits, it often causes lengthy delays in processing applications. Sometimes it takes so long to determine need using the federal process that a student may not know how much the stipend will be when she or he has to decide where to use the Javits award - thus hampering the student's ability to exercise the portability of the funding. In the case of GAANN, sometimes the institutional sponsor receiving the award can not tell a student how much his/her award will be in the appropriate time frame for when such decisions need to be made.

In the end, instead of yielding helpful distinctions among the applicant pool, the required use of Title IV need analysis creates difficulties for students, institutions, and the Department. Congress should reconsider a provision originally included in the higher education community's FED UP recommendations that eliminated this requirement and restored the provision in law prior to the 1998 reauthorization of the HEA. This provision required institutions (not the federal government) to determine an individual student's financial need. This recommendation would remove the largest part of the burden imposed by the government, and most institutions that have significant graduate education programs already have systems in place to determine student need.

Returning to an institutionally-based need analysis methodology would reduce paperwork and eliminate severe delays in application processing while still ensuring that financial support is reserved for students with demonstrated need.

III. Clarify the Link Between the Stipend Levels of GAANN and Javits and the National Science Foundation Graduate Research Fellowship Program.

Congress should clarify the HEA statutory link between the stipend levels for GAANN and Javits student awards to the stipend level for the National Science Foundation Graduate Research Fellowship (GRF) program. Currently the HEA states that the stipend levels for Javits and GAANN shall be "set at a level of support equal to that provided by the National Science Foundation graduate fellowships." GAANN and Javits stipend levels have historically been linked to the GRF stipend level. The HEA should be amended to reflect this historical link in order to avoid potential confusion of Congressional intent due to the other graduate fellowship programs NSF also supports.

CONCLUSION

The Title VII Javits and GAANN programs have served our nation well and will continue to do so in the future with Congressional support.

The nation's bright graduate students who benefit most directly from GAANN and Javits increase our nation's scientific and technological capacities and improve our society's collective ability to make informed and balanced judgments. They become responsible for the discovery and dissemination of new knowledge and the preservation and interpretation of our scientific, intellectual, and cultural heritage. Investing in these bright and talented individuals is beneficial for all Americans.

I thank you for the opportunity to testify on these important issues.

Vice Chairman PORTER. Thank you, Dr. Lewis. We appreciate your testimony.

Next, we have Mr. Hall.

STATEMENT OF DANIEL HALL, VICE PRESIDENT FOR EXTERNAL AFFAIRS, UNIVERSITY OF LOUISVILLE AND CHAIRMAN, GOVERNMENT RELATIONS COMMITTEE, COUNCIL ON LEGAL EDUCATION OPPORTUNITY, ACCCOMPANIED BY WILLIAM "BUD" BLKEY, CHAIRMAN, COUNCIL ON LEGAL EDUCATION OPPORTUNITY

Mr. HALL. Good afternoon. Chairman Porter and Ranking Minority Member Hinojosa, my name is Daniel Hall, and I am vice president for external affairs at the University of Louisville.

Thirty years ago, I was privileged to have been accepted into the 1973 Council on Legal Education Opportunity (CLEO) Summer Institute at Indiana University-Purdue University in Indianapolis following my graduation from Dartmouth College and just prior to matriculating into Harvard Law School.

My CLEO experience prepared me for academic success at Harvard, but it also laid the foundation for a successful professional career. It is that kind of experience which the Thurgood Marshall Legal Educational Opportunity Program provides today to many minorities and disadvantaged students. We encourage Congress to continue to support this important program.

I appear today as chairman of the Governmental Relations Committee of the Council on Legal Education Opportunity, known as CLEO, which administers the Thurgood Marshall Legal Educational Opportunity Program under a grant with the U.S. Department of Education.

This program is authorized in Title VII, Part A, Subpart 3 of the Higher Education Act of 1965, as amended.

Our CLEO Council chair, Mr. William "Bud" Blakey is with me today, sitting behind me, and we will respond to any questions that you may have at the conclusion of my testimony.

Mr. Chairman, I thank you for this opportunity to appear and to offer our recommendations for reauthorization of this important program which for 35 years has made a critical contribution to expanding legal education opportunities and increasing diversity in the legal profession.

My prepared statement provides the Committee with a detailed recitation of CLEO's history, of the emergence of the Thurgood Marshall Legal Educational Opportunity Program as part of the 1998 higher education amendments, and the documentation of the need to continue this public-private partnership that is growing a diverse cadre of persons entering into the legal profession.

Our reauthorization recommendations will continue the progress already being made to achieve three goals through the Thurgood Marshall Program:

First, implementing a comprehensive program to increase the number of low-income and minority students successfully entering and completing an accredited legal education curriculum and securing admission to the bar;

Two, developing and sustaining pre-law programs which build a pipeline of qualified students capable of successfully completing law school; and

Three, reducing student debt burdens for Thurgood Marshall fellows by providing grants to eligible students in order to encourage

their entry into public service, community service, and pro bono service following law school graduation.

We recommend the following modifications in Title VII, Part A, Subpart 3:

First, make explicit the authority in Section 721(c) of the Act to make fellowship awards to eligible Marshall Fellows;

Second, authorize CLEO to implement activities with pre-college students and to make sub-grants to local and state bar associations, national bar associations, and law schools or consortia thereof to operate these pre-college programs;

Third, authorize CLEO to make Thurgood Marshall fellowships available to students who complete similar "CLEO-like" summer institute programs; and

Fourth, increase the authorization in Section 721(h) in fiscal year 2005 to \$10 million, and add "such sums as may be necessary" in each of the four succeeding fiscal years.

Finally, we also hope that the Congress will consider transferring the Thurgood Marshall Legal Educational Opportunity Program from Title VII to Title IV of this Act.

The Council believes that the Thurgood Marshall Program is more closely akin to the Federal TRIO Programs, especially the Ronald McNair Post-Baccalaureate Achievement Program and the GEAR-UP Program in purpose and function, compared to the traditional graduate fellowship programs in Title VII.

Mr. Chairman, this concludes my remarks. Mr. Blakey and I will be prepared to answer any questions that you or other Subcommittee members may have. Thank you.

[The prepared statement of Mr. Hall follows:]

Statement of Daniel Hall, Vice President for External Affairs, University of Louisville, and Chairman, Government Relations Committee, Council on Legal Education Opportunity

Chairman Hoekstra and Ranking Democratic Member Hinojosa, I am Daniel Hall, Vice President for External Affairs at the University of Louisville in Louisville, Kentucky. I am privileged to have been a participant in the 1973 CLEO Summer Institute at Indiana University-Purdue University at Indianapolis (IUPUI) following graduation from Dartmouth College, in June 1973, and prior to my matriculation and graduation from the Harvard Law School, in June 1976. My CLEO experience not only prepared me for academic success at Harvard, but also laid the foundation on which a solid professional career has been created. It is that kind of experience, which the Thurgood Marshall legal educational opportunity program provides today, which we encourage the congress to continue to support.

I appear today on behalf of the Council on Legal Education Opportunity (CLEO) which administers the Thurgood Marshall Legal Education Opportunity Program under a contract with the U.S. Department of Education. The Thurgood Marshall Legal Education Opportunity Program is authorized in Title VII, Part A, Subpart 3 of the Higher Education Act of 1965, as amended. I am pleased to serve as chair of the CLEO Council's Government Affairs Committee. Our CLEO Council Chair, William A. "Bud" Blakey is with me today. We will respond to any questions that you may have at the conclusion of my testimony.

Mr. Chairman, I want thank you for this opportunity to appear today and to offer our recommendations for reauthorization of this important program which for thirty-five years has made a critical contribution to expanding legal education opportunities and increasing diversity in the legal profession. My prepared statement provides the committee with a detailed recitation of cleo's history, of the emergence of the Thurgood Marshall Legal Education Opportunity Program as part of the 1998 higher education amendments, and documentation of the need to continue the public-private partnership that which is growing a diverse cadre of persons preparing to enter the legal profession.

Our reauthorization recommendations will continue the progress already being made to achieve three goals through the Thurgood Marshall Program: (1) implementing a comprehensive program to increase the number of low-income and minority students successfully entering and completing an accredited legal education curriculum and securing admission to the bar; (2) developing and sustaining pre-law programs which build a pipeline of qualified students capable of successfully completing law school; and (3) reducing student debt burdens for Thurgood Marshall fellows by providing grants to eligible students in order to encourage their entry into public service, community service and pro bono service following law school graduation.

We recommend the following modifications in Title VII, Part A, Subpart 3;

- clarify the authority in section 721(c) of the act to make fellowship awards to eligible Marshall fellows;
- authorize CLEO to implement activities with pre-college students, and to make sub-grants to local and state bar associations, national bar associations, and law schools (or consortia of such entities) to operate pre-college programs;
- authorize CLEO to make Thurgood Marshall fellowships available to students who complete 'CLEO-like' summer institute programs; and
- increase the authorization in section 721 (h) in fiscal year 2005 to \$10 million, and "such sums as may be necessary" in each of the four succeeding fiscal years.

We also hope that the congress will consider transferring the Thurgood Marshall Legal Educational Opportunity Program from Title VII to Title IV of the Act. The council believes that the Thurgood Marshall program is more closely akin to the Federal TRIO programs, especially the Ronald McNair Post-baccalaureate Achievement Program and the GEAR-UP Program in purpose and function than the traditional graduate fellowship programs in Title VII.

Mr. Chairman, Bud Blakey and I would be pleased to answer any questions you or other members of the Subcommittee may have.

Vice Chairman PORTER. Thank you, Mr. Hall. We appreciate your testimony.

Dr. Allen.

STATEMENT OF WILLIAM BARCLAY ALLEN, PROFESSOR OF POLITICAL PHILOSOPHY AND DIRECTOR, PROGRAM IN PUBLIC POLICY AND ADMINISTRATION, MICHIGAN STATE UNIVERSITY

Mr. ALLEN. Good afternoon, Chairman Porter, Ranking Member Hinojosa, and members. I'm delighted to be with you.

I am William Allen. I am a professor at Michigan State University. I teach. I have taught for a very, very long time.

I speak this afternoon not on my own behalf, but in support of large numbers of people who have taken increased concern with the problem we now face in American higher education of simply preparing teachers enough to ensure that all the students who enroll in our programs are fully conversant with the principles of freedom and the history of this nation.

I speak in support of H.R. 2336, the amendment to the higher education authorization, which is called the Higher Education for Freedom Act. I do so because I have learned in many ways, direct and indirect, how important it would be for the Congress of this nation to take account of this very targeted and special need.

Congress' interest in higher education had its standard set in 1862 with the passage of the Morrill Act, and since that time, on numerous occasions, we have seen Congress take special notice of needs that would advance the cause of higher education and access to higher education in this country.

In my written testimony, which I've submitted to you and which I now summarize, I signal particularly the National Defense Edu-

cation Act, from which I benefited in the late 1950's, an Act which certainly, in the aftermath of Sputnik, played its role in leading to the eventual landing of a man on the moon.

That was a very targeted response which Congress took in hand because the Nation had a very specific problem—deficits in its scientific and mathematics education.

I call to your attention this afternoon significant deficits in the teaching of our civic principles—where we come from and why we are the way we are. America is in a very special place in the world because it can't be referred to as a mere culture or a mere ethnicity. America is principles. It is specific decisions tied to principles. It is a history which must be taught.

We now have more than 15 million students receiving education in our colleges and universities, a wonderful achievement, and that number is growing. That number implicates, however, if each and every single one were to be fully conversant with the history of this nation, a minimum of 125,000 persons prepared to teach. We don't have one-tenth that number actually carrying out that task.

I could talk about the fact that standards have changed, that requirements have changed, that colleges and universities aren't asking students routinely and systematically to study American history, but what I want to do is to focus your attention on our need to make it possible for such requirements to occur.

I want to focus your attention on what we might do by establishing centers and programs, as H.R. 2326 requests, that would assure that Americans will know America, among all the other many and valued things that they do, indeed learn.

You will find plenty of citations to the specific deficits, and in recent years even Congress has passed a resolution to underscore the need for American students to learn more American history, particularly as they graduate from our colleges and universities. That is the need that brings me before you this afternoon in support of this particular legislation.

In the book that I have recently co-authored with my wife, "Habits of Mind" I confess that we've tried to make the case—as clear as can be—for this need for curricular intervention, but it is not an intervention in the curriculum.

It is an intervention in support or curriculum. It is an intervention in support of preparation. It is an intervention in support of graduate study that will make it possible for those of us who continue to try to do these things to do so with increasing success, and that is the reason I bring it to your attention this afternoon.

I thank you very much, and I stand ready to respond to your inquiries.

[The prepared statement of Mr. Allen follows:]

Statement of William Barclay Allen, PhD, Professor of Political Philosophy and Director, Program in Public Policy and Administration, Michigan State University

In my junior year in high school, I took advantage of a wonderful opportunity to spend a summer studying advanced science courses at a university. This opportunity was extended to me thanks to the National Defense Education Act, a targeted response to the need to spur and revamp science education in the aftermath of the Sputnik launching. Congress at that time believed that it was necessary to make special efforts to encourage students to sustain an interest in the study of natural sciences. In my case, the effort was successful, for I continued thereafter to study,

and ever since have sustained an interest in and some knowledge of, the natural sciences (although I turned to the humanities and social sciences as my vocation).

The strong sense of national purpose that informed Congress" Act in the late 1950s is no less requisite now, in 2003. This time, however, our most glaring deficits lie in teaching (and preparing teachers of) traditional American history and Western civilization. Carol Allen and I, in our recently published book, *Habits of Mind: Fostering Access and Excellence in Higher Education*, have highlighted this specific need in explaining why undergraduate education requires renewed commitment and emphasis.^{1*}

Among the circumstances cited in that work we highlight the gradual disappearance of university requirements in traditional American history and western civilization. You should note that, parallel to a decline in university requirements for undergraduates, American higher education has also experienced a significant decline in the preparation of professors and teachers in those areas and specifically pursuing the understanding of free institutions. While it is true that we continue to prepare graduate students of history and related disciplines, such as political science, such training has tended to reflect valuable but far more specialized concentration on advances in historical understanding and current policy alternatives (and on some occasions, merely faddish ideological indulgence). Concomitantly, our disciplines reduced their focus on recapitulating the foundations of national life as well as significant domestic and international developments in light of those foundations.

A direct consequence of this trend has been an erosion of the training of professors (and therefore K-12 teachers) to preserve broad familiarity with facts, texts, and significant dates affecting our civic existence. A targeted response to this situation, cutting across disciplinary distinctions, will meaningfully strengthen the academy's ability to play a central role in fostering content mastery regarding the significant moral, constitutional, political, intellectual, economic, cultural, and international influences revealed through American history. H. R. 2336, amending the Higher Education Act, is just such a targeted response, providing direct impetus for expanding awareness of the conditions of freedom and free political institutions.

It is perhaps safe to say that nowhere in the world are peoples so heedless of the need to perpetuate familiarity with the terms of their own political existences as we so often seem to be in the United States. General education curricula tend to treat the history of American constitutionalism as if it were merely one in a well-nigh infinite list of interesting facts that students might learn over the course of a university career, rather than as a necessary support for those who, in their own turn, must assume the management of free institutions.

When George Washington spoke and wrote of the need for an appropriate higher education for republican government, he made clear that he envisioned a preparation of citizens for the performance of the distinctive duties of self-government. He knew that we did not merely emerge from nature fully clothed in righteous devotion to liberty, just as he also knew that government itself could not supply a virtue that the citizens lacked. What was most insightful, however, was his awareness that those who begin the career of freedom, clothed with virtues that breed confidence in liberty, must omit no opportunity to improve upon the likelihood that their offspring will be no less favorably situated than themselves. No single undertaking can provide for such success so effectively as regular instruction.

I, for one, would love to be able to think that my teaching, and that of like-minded colleagues, could reach beyond the few who self-select and instead nurture in students generally a disposition to take America seriously, to recognize its exemplary claims as well as its characteristic responses to its most enduring problems, and to appreciate the force of its powerful example for humankind.

The people are meant to rule. To that end they have no recourse but to their opinions. Their opinions, in turn, can sustain a rule no better than the value of those same opinions. Where the people's opinions are informed and grounded in genuine appreciation for the ardors of constitutional patriotism, we can all willingly rest our fates on the people's judgments. But this will not happen where a multitudinous people are exposed to no more than a random, haphazard introduction to the principles of the polity.

Finally, I would observe that such a targeted, special initiative would achieve important national objectives, which themselves are far broader and more important than the interests of any particular discipline. The National Defense Education Act encountered suspicions among those who thought that they alone should define scientific education. In the end, though, both science and the national interest were

^{1*} I would call your attention particularly to pages 17-26, 37-49, and 58-73, the last of which specifically cites a general education curriculum that would respond to this need.

served by that dramatic venture. Doubtless, the eventual Apollo mission to the moon was its reward. And, so, in the present case, a deliberate effort to revivify national memory can serve the interests both of our nation and of the professional disciplines, which will benefit when the general public will have a better sense of how the present emerged from the past.

Vice Chairman PORTER. Thank you very much. We appreciate it, Dr. Allen.

Next, we have Dr. Cardenas. Welcome.

STATEMENT OF BLANDINA CARDENAS, DEAN, COLLEGE OF EDUCATION AND HUMAN DEVELOPMENT, UNIVERSITY OF TEXAS AT SAN ANTONIO

Ms. CARDENAS. Mr. Chairman and members of the Subcommittee, my name is Blandina Cardenas. For 3 years, I have served as dean of the College of Education and Human Development at the University of Texas at San Antonio.

I appreciate the opportunity to present my views on Title VII of the Higher Education Act, and very specifically to address issues of that pipeline of faculty, much as the former witness addressed, in this case, the pipeline that produces faculty that produces teachers in areas of high need.

UTSA is the fastest-growing, and on many measures, most successful university in Texas. In the last 4 years, our enrollment has grown from 18,830 to our current enrollment of almost 25,000 students. Our freshman to sophomore retention rate has increased from 58 percent in the year 2000 to 77 percent in 2003, with an 89 percent retention rate for our African-American population and a 79 percent retention rate for our Latino population.

Last year, we graduated 683 teachers, up from 370 in 1999. Most importantly, our pass rate on the state teacher licensing exam has gone from 85 percent in 1999 to a very proud 97 percent in 2002.

In the face of an explosion in the demand for higher education in Texas, UTSA may well reach an enrollment of 30,000 within 3 years. To cope with this demand, we anticipate filling 250 new faculty positions in the next 4 years. Fifty, and if I can convince the provost, 60 of those new positions will be in the College of Education and Human Development.

As dean of the College of Education and Human Development, I have a fundamental responsibility to ensure that we focus on the needs in our K-12 schools. I meet with superintendents regularly and they advise me that their most pressing need is for teachers in math, science, bilingual, ESL, dual language education, and special education.

The need for highly qualified teachers in these specializations is confirmed in state and national data. It is pervasive and growing. It will not get better until there is a significant investment in producing the highly qualified education faculty to train teachers in these fields.

In the 3 years that I have been responsible for hiring faculty for our college, I have concluded that the shortages in specialized teachers for the nation's schools track directly to the shortage of qualified faculty in these fields. The pipeline for producing highly qualified classroom teachers in these fields will remain grossly in-

adequate for as long as the pipeline for producing faculty in these fields remains unattended.

UTSA has a nationally recognized program in bilingual, ESL, and dual language. We offer both the bachelor's and master's degree and a doctorate in Culture, Language, and Literacy.

In spite of our strong reputation and in spite of the attraction of San Antonio, two positions in bilingual education have remained unfilled through two hiring cycles.

Our experience in special education is better. We have hired two assistant professors in special education, but we have had three vacancies, and the candidate pools for these hires have been exceedingly small, and we've had to pay a very top price.

Lamentably, there is not a single special education faculty member at UTSA who has expertise in meeting the special education needs of limited English-proficient children, and that probably has something to do with the fact that there are only about four people with this combined expertise in the faculty ranks across the nation.

We need bilingual education and special education faculty because all teachers need preparation in these fields.

We've redesigned our programs so that all our teacher candidates are required to take at least two courses in ESL/bilingual and one course in special education and another in inclusion. We've also doubled our math and science requirements for our K-8 teacher preparation program.

Now, all teachers need at least minimal preparation in these fields, because we're a mobile nation. Teachers move from state to state, and the limited English-proficient population is growing everywhere. If you don't have limited English-proficient students in your back yard now, wait a few years.

No longer a regional phenomenon, the LEP population in this country has nearly doubled in the last decade. Increasing at eight times the rate of the total student enrollment, LEP students comprise 9.6 percent of the total public student population. The preparation of highly qualified teachers to meet the needs of these students is a national imperative.

Now, throughout the nation, school districts are taking extraordinary measures to recruit teachers with these skills.

School districts in Georgia, Iowa, and North Carolina regularly recruit newly prepared teachers in the high-producing Southwestern states where the demand for highly qualified bilingual teachers is just as great. Other school districts are recruiting in foreign countries.

Now, let me say again, and let me conclude by saying, that we won't meet the challenge of providing teachers if we don't have the faculty, and fellowships and financial support that are critical. When we had fellowships in this area, the University of Texas was producing 10 doctorates a year in this area. They're now down from one to three, because they have no fellowships. We need teachers, our best teachers, to become faculty, because they're the ones who are going to train in those classroom procedures, but teachers don't make a lot of money, and they can't afford to go off and spend money on a doctorate without support.

So I urge the Committee to consider these needs as they consider the legislation.

Thank you very much.
 [The prepared statement of Ms. Cardenas follows:]

Statement of Blandina Cardenas, Dean, College of Education and Human Development, University of Texas at San Antonio

My name is Blandina Cardenas. For three years I have served as Dean of the College of Education and Human Development at the University of Texas at San Antonio. I appreciate the opportunity to present my views on Title VII of the Higher Education Act.

UTSA is the fastest growing and, on many measures, most successful university in Texas. In the last four years our enrollment has grown from 18,830 to our current enrollment of 24, 869 students. Our freshman to sophomore retention rate has increased from 58% in 2000 to 77 percent in 2003. Last year we graduated 683 teachers, up from 370 in 1999. Most importantly our pass rate on the state teacher-licensing exam has gone from 85 percent in 1999 to 97 percent in 2002. In the face of an explosion in the demand for higher education in Texas, UTSA may well reach an enrollment of 30,000 within three years. To cope with this demand we anticipate filling 250 new faculty positions in the next four years. Fifty of those new positions will be in the COEHD.

As Dean of the College of Education and Human Development, I have the responsibility to ensure that we are clearly focused on the needs in our k-12 schools. Superintendents consistently advise us that their most pressing need is for teachers in math, science, bilingual, ESL and dual language education and special education.

The need for highly qualified teachers in these specializations is confirmed in state and national data. It is pervasive and growing. It will not get better until there is a significant investment in producing the highly qualified education faculty to train teachers in these fields. In the three years that I have been responsible for hiring faculty for our college, I have come to the conclusion that the shortages in specialized teachers for the nation's schools track directly to the shortage of qualified faculty in these fields. The pipeline for producing highly qualified classroom teachers in math, science, bilingual education and special education will remain grossly inadequate for as long as the pipeline for producing faculty in these fields remains unattended.

UTSA has a nationally recognized program in bilingual, ESL and dual language education. We offer both the bachelors and masters" degree in bilingual education and a doctorate in Culture, Language and Literacy. In spite of our strong reputation and in spite of the attraction of San Antonio, two positions in bilingual education have remained unfilled through two hiring cycles. Our experience in special education is better. In the last two years we have hired two new assistant professors in special education, but the candidate pools for these hires have been exceedingly small. Lamentably there is not a single special education faculty member at UTSA who has expertise in meeting the special education needs of limited English proficient students. The latter can be traced to the fact that there may be as few as four individuals in the ranks of the nation's doctoral faculty who have any expertise on the intersect of bilingual education and special education.

We need bilingual education and special education faculty because all teachers need preparation in these fields. At UTSA we have redesigned our programs so that all teacher candidates are required to take at least two courses in ESL/bilingual education, one course in special education and inclusion. We have also doubled our math and science requirements for students in our K-8 teacher preparation program.

All teachers need at least minimal preparation in bilingual education, ESL and dual language instruction and special education because we are a mobile nation. Teachers move from state to state and the LEP population is growing everywhere. No longer a regional phenomenon, the LEP population in this country has nearly doubled in the last decade. Increasing at eight times the rate of the total student enrollment, LEP students currently comprise 9.6 percent of the total public student population. The preparation of highly qualified teachers to meet the needs of these students is a national imperative.

Throughout the nation, school districts are taking extraordinary measures to recruit teachers with the language and cultural skills to serve these students. School districts in Georgia, Ohio and North Carolina regularly recruit newly prepared teachers in the higher producing southwestern states where the demand for highly qualified bilingual teachers is just as great. Other school districts are recruiting teachers in foreign countries on the assumption that these teachers are prepared to teach in ESL, bilingual and dual language programs simply because they speak the children's language. But ESL, bilingual and dual language instruction is tough work

requiring specialized knowledge and skill. Imported teachers especially will require training from qualified faculty.

A similar national challenge exists in the field of special education. One third of special education faculty openings remain unfilled every year. After several years of unsuccessful searches many colleges shift the faculty line to another field of specialization and the shortage of special education teachers is exacerbated. If every special education faculty slot were filled, about 3000 more special education teachers could be trained annually and every teacher candidate could receive the high quality training they need to serve special needs students mainstreamed in their classrooms.

Providing financial support to doctoral students in these fields is essential. The best teacher preparation faculty are those who have had practical experience in the nation's schools. Teachers, many burdened by undergraduate student loans, do not enjoy a level of income that allows them to leave their jobs for three years and assume the financial burden of doctoral studies. Dr. George Blanco of the University of Texas at Austin indicates that the number of bilingual education doctoral students has dropped to 1-3 per year since the elimination of the Title VII doctoral fellowship program. With the doctoral fellowship program, UT Austin was producing 10-12 doctorates per year.

Our own doctoral program in Culture, Language and Literature has not attracted the number of master bilingual education teachers that we envisioned and that we need. We have our eye on those outstanding ESL, Bilingual and Dual Language teachers who ought to be in doctoral programs and joining the nation's faculty ranks. Most of them however, are among the first in their family to graduate high school and earn an undergraduate degree. They are still paying off student loans and have strong reasons for not giving up what to them is a well-paying teaching job to work three years on a doctorate.

Fellowships will make the difference. Without them, we will make little progress in meeting the NCLB challenge of ensuring that our most vulnerable students have access to an appropriately trained highly qualified teacher.

I urge this Committee to pass provisions that will address the national need for faculty in the specialized fields of special education and ESL, bilingual education and dual language programs to serve LEP students. I would advocate strongly for special efforts to support doctoral students who pursue study in special education for LEP students. A small investment now will lay a foundation that can build capacity in every state in the nation.

Thank you for this opportunity to address this urgent issue.

Vice Chairman PORTER. Thank you, doctor. I appreciate your testimony.

Dr. Allen, thanks for your help. You're doing a great job out there. Thank you.

I have a few questions, first for Mr. Hall.

You mentioned 1973. It brings back memories. So you're giving away our age—1973.

Regarding the programs, how are we doing in getting the message out to potential students, and what can we do to do a better job to let folks know that this is available to them?

Mr. HALL. Well, one of the things we need to do is to intervene at an earlier stage in the process than we are right now. Right now, we tend to identify and work with college students to interest them in the legal profession.

We think that to be more successful in the future, that we need to develop programs at the high school and even the middle school level.

At the University of Louisville, for example, at the Brandeis School of Law, we have a program with Central High School, an historically black high school in the inner city, where talented high school students who have an interest or a possible interest in the legal profession come to our campus, they attend moot court competition, they talk with lawyers, they go to the court in Jefferson

County, and they get real life experience where they can aspire and come to learn that it is within their reach to become a member of the legal profession.

So intervening at an earlier age is a part of the equation to solve the problem.

Vice Chairman PORTER. Is an actual part of the program, I don't want to use the word marketing, but promoting the program, is it actually in the steps? Is it proposed under the current rules, or just something we need to make a bigger part of the regulation?

Because my biggest concern is there are a lot of qualified folks out there that I'm sure would love to take part in the program, just make sure we get the message out.

Mr. HALL. Right. Part of what we need to do is get the message out.

I believe part of the strategy is to have the Summer Institute strategically around the country in the West, the South, and the Northeast, to increase the visibility of the program, working with colleges and universities across the country; and again, working to get the message to high school and pre-high school students about the accessibility of entering into law school and the legal profession is a part of the equation.

And so marketing, spreading the word, and being evangelical about attracting people into a profession that is an important part of our society is a part of the CLEO mission, yes.

Vice Chairman PORTER. So we don't need to help in that area as far as defining the mission?

Mr. HALL. I think our mission is pretty well-defined. I think the recommendations we are offering today, will help fine-tune the authorization language to allow us to go forward. We would be very happy with that, yes.

Vice Chairman PORTER. All right. Thank you.

Mr. HALL. Thank you.

Vice Chairman PORTER. Dr. Allen, what is contributing to this decline of teaching American history in institutions of higher education?

Mr. ALLEN. I would, Mr. Chairman, point to two things.

The first, of course, is that we live in an era in which the demands on us are simply extraordinary.

There are so many differing topics of interest, and of course, as we try to accommodate all the possible ways in which to structure a curriculum and to appeal to the interests of individual students and communities, we tend to begin to fragment our offerings. We always have to remind ourselves periodically, what is it that needs to be the base, and we haven't regularly gone back to ask what the base is.

Now, when I speak of base, I don't mean the basics. I really do mean base. We stand on something, we don't stand in midair. The something on which we stand are those principles that led to the establishment of this nation and such acts as the Morrill Act and subsequent acts of legislation that furthered access to higher education.

It's important for us, as I say in the concluding words of my written testimony, to be certain that those who graduate from our institutions of higher education are fully prepared to assume their re-

sponsibility to govern this society on its own principles and terms. That makes it a different kind of concern than other subject matters in the curriculum.

People will express their individual choice, they will follow their individual inclinations; but everyone should do that while being fully versed in the principles of freedom that built this society.

A second thing, to be very brief, that has led to this difficulty has been simply that we changed our requirements in our colleges and universities. We stopped asking students to study American history. We stopped asking them to study basic courses in civilization.

When I conducted in Virginia a survey of its general education requirements, I found there what is true elsewhere throughout the country, that it was rare that any institution asked students to either meet a requirement in American history or to meet that requirement with an American history course.

So the watering down of the requirements has meant that we now no longer can reliably count on people knowing essential dates, facts, and stories of the American past.

Vice Chairman PORTER. Thank you. And doctor, is your wife also here today, who helped to write the book? Is she here?

Mr. ALLEN. She is not here today. I flew out very quickly this morning and go back this afternoon, so she did not come, but I appreciate your asking.

Vice Chairman PORTER. Well, give her our best. I notice that the title is "Habits of the Mind." Has she written any books about—do you have any bad habits or anything?

[Laughter.]

Mr. ALLEN. No, no. We're focused entirely on fostering access and excellence in higher education.

Vice Chairman PORTER. Very good. Thank you very much. That ends my questions for the moment.

Mr. Hinojosa, would you have any questions?

Mr. HINOJOSA. Thank you, Mr. Chairman.

My first question would be to Dr. Earl Lewis.

You've indicated that the GAANN areas of national need focus on biology, chemistry, computer and information science, engineering, geological science, math, and physics.

These are all very important, but these are all areas with minimal representation of minorities.

How can this issue be addressed?

Mr. LEWIS. There are several programs already underway to begin to try to increase the numbers of students of color in science, math, engineering, and technology, and I think those programs have come under the aegis of the National Science Foundation.

It may be useful to ask the Department of Education, during a periodic review of what areas it should consider under the areas of national need, to take another look not only at those areas of national need, but also to see if there is a way to actually coordinate efforts to expand opportunities for students of color.

I think there is a second thing that can be done, which is to begin to actually expand and deepen a series of programs, particularly at the undergraduate level.

Some of the research opportunity programs, which have been a way to attract under-represented students into these areas, have

flourished in a number of parts of the country. The Big 10, the CIC institutions, for example, have been very active participants there.

There are ways to begin to really identify and expand. Those are two examples.

Mr. HINOJOSA. Thank you, Dr. Lewis.

I want to say that I'm very interested in working with you in trying to find a solution to the under-representation by minorities in those areas, and invite you to take a look at a model that has been developed in South Texas, known as HESTEC, H-E-S-T-E-C, and that model, I am sure, would work also with our African-American minority students in trying to get them into these fields.

The University of Texas Pan American is located in Edinburg, Texas, and this HESTEC is a program that has received national attention, and this year we have Secretary Rod Paige coming down to talk to the group sometime in October of this year, but it's certainly a model that can help us all, you know, all our minorities, address this issue.

Dr. Cardenas, is the State of Texas providing sufficient resources for the programs you have described, or do you also depend on Federal and private resources to support your teaching and student support efforts?

And the second question, if you would continue in your answer, would you also talk to us about the supply and demand as it refers to professors to college students?

Ms. CARDENAS. Well, the State of Texas is experiencing two things: one, the same kind of budget crunch that other states are experiencing; and two, a very strong surge in demand for higher education.

The state legislature just authorized the deregulation of tuition. Texas had enjoyed a very low tuition base for many years. It is very clear that the costs for that, for tuition, the costs for education are now going to be passed to the student.

So I anticipate that the state, because of policy decisions and because of the budget crunch, will probably assume a declining share of the proportion of higher education costs, both at the undergraduate and graduate level.

Now, in terms of my specific concerns that have to do with teachers, we do have programs like Teach for Texas, which are loan reimbursement programs designed to assist teachers, or to attract students into the teaching field, but in terms of state support for graduate education, there is none, other than the part of our own budget that is returned to us as graduate incremental tuition, and we were able to provide some support for graduate students with that money.

Mr. HINOJOSA. Dr. Cardenas, are you familiar with H.R. 2238, which I introduced in this session, for higher education? It's a bill where we would try to help Hispanic-serving institutions reach more minority students get into master's and Ph.D. programs, and if so, how would it help your college?

Ms. CARDENAS. Well, clearly, Title V of the Higher Education Act has had a very direct role in these retention improvements that I cited in my testimony.

Indeed, while we've done many things to realize that kind of improvement and retention, it was our Title V grant, the Learning

Communities Grant, which was at the core of our retention program.

Now, you can't get minority students or any other students into master's and doctoral programs unless you retain them and they get their bachelor's degree. So that is the first piece. I want to acknowledge the importance of that support.

Now, the second piece of it is providing support for master's and doctoral-level education, we have over 50 percent of our students come from homes that are low-income homes. Forty-six percent of our students last year were Latino, 7 percent were African-American, and the remainder were non-Hispanic white.

So our students are poor students, and our students who go into teaching are particularly poor students. I call them heroes, because there's no other explanation for their success. Many of them work full-time.

So in order for us to increase those master's and doctoral ranks, we would be very heavily reliant on external funding from the Federal Government or other sources, so it would make a tremendous impact.

Mr. HINOJOSA. Thank you, Dr. Cardenas.

Mr. Chair.

Vice Chairman PORTER. Dr. Gingrey.

Dr. GINGREY. Thank you, Mr. Chairman.

I want to address my first remarks to Mr. Hall.

In reading your testimony, Mr. Hall, it seems to me that you are suggesting that you want Members of Congress to actually do something to increase the number of lawyers in this country?

[Laughter.]

Mr. HALL. I wouldn't say increase the number, but increase the diversity thereof.

Dr. GINGREY. Well, I certainly can support that.

Mr. HALL. Thank you.

Dr. GINGREY. It's those total numbers that really bother me.

But actually, and I'll say this to Dr. Allen, my daughter is a law student at Michigan State University as we speak, so I say that somewhat tongue-in-cheek about the total number of lawyers, but I do get concerned sometimes, as a practicing physician who is desperate for a little tort reform.

[Laughter.]

Dr. GINGREY. I wanted to ask you, Mr. Hall, though, seriously, to expand on the success of the CLEO and Thurgood Marshall programs.

Can you tell us on average how many students participate a year, and of those, how many actually complete law school and go on to practice law?

Mr. HALL. Well, the Thurgood Marshall Program is in its—I believe its third year. We are beginning to attract those numbers, so we understand there's going to be accountability with the Federal funding. We see even that you're going to expect annual reports on the success and the tracking of our students, and our staff has put mechanisms in place to do that.

We hope to report to you, as we go forth, specific numbers that will show that the public is getting a great return on its invest-

ment in terms of creating diversity within the profession and increasing the success of students who go into law school.

Dr. GINGREY. And to carry that a step further, I hope this question hasn't already been asked, but you mention in the testimony that part of the goal also is the success on the bar exam.

Mr. HALL. Yes, sir.

Dr. GINGREY. And I'm sure you're measuring that. Can you give us an idea of the percentages there?

Mr. HALL. I don't have specific numbers with me, but I do know that our graduates' success are comparable to the general success numbers in the general population, and we can give you those numbers at a later date if you so desire, but that is something we're very, very sensitive to as a part of our mission.

We don't want to attract people into law school, students into law school, help them get through law school, and then have them meet this impenetrable bar in terms of entering the profession, so we do have programs that are designed to help in bar preparation, as well.

Dr. GINGREY. Thank you.

Mr. LEWIS, you had mentioned that, in your testimony, we should remove the need component of the programs, and that the Education Department is the only agency that requires need analysis.

Isn't the basis of the Higher Education Act to serve, indeed to serve needy students, and isn't it a good combination in this case to provide financial assistance to the best and brightest who otherwise couldn't afford to go?

Mr. LEWIS. I couldn't agree more.

What we're really trying to get at is that the way the bill operated before 1998, the individual institutions then would have the responsibility for trying to determine the need and whether or not those particular students who actually got the award met those need challenges.

Since 1998, the individual students have to go through a series of bureaucratic mazes to be able to get that information forward.

So what we would like to do is to have it go back to the 1998, where the need analysis is there, but it's actually done at the institution who is then working through all the processes.

Dr. GINGREY. OK. Thank you.

That's all, Mr. Chairman. Thank you.

Vice Chairman PORTER. Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman, and thank you to all of you for being here.

I think one thing that's always helpful in this is to try and have some kind of a model or projection of what our needs are going to be 5 years, 10 years, 25 years out, because that seems to be the only way, even though we work in short term here, to really think about how much of a wakeup call you're presenting, that we don't have the students in the pipeline to do the work that's got to be done in the next number of years.

And that's really critical, and I think that it becomes, it should become a priority, but sometimes we don't quite picture it in that way. We don't look down the road enough, so I appreciate your doing that.

One of the questions I would have to you, Dr. Cardenas, is, are there programs out there that we could build on and perhaps find some of these students?

I've been a champion of the National Board for Professional Teaching Standards, because I think that's one program that allows teachers who want to stay in the classroom, who should be earning more money, to demonstrate their fluency, their expertise, but it's also a place to look for those students who might be able to go on.

Maybe we need to be thinking about some kind of a program attached to that that would identify those students, I mean those—well, they're students, but they're also teachers right now.

The problem we all face is bringing these people out of the classroom, not just the fact that they obviously can't support themselves.

In some ways, I'm reminded also of our need for nurses, because I know when I've spoken to nurses who are, you know, working every day, the toughest thing in the world for them is to go back onto a faculty or to be in a program so that they can be on a faculty, and we desperately need them.

Are there programs that we should be looking to?

Ms. CARDENAS. Specific programs that seek to recruit for the doctorate on a national or state level do not seem to exist. Clearly, I think there are places like Arizona State University and our own program.

I've been able to count about 74 doctoral programs that offer either a Doctorate in C&I with a specialization—that's curriculum and instruction—with a specialization in bilingual education, or Doctorates in Special Education. As I said, we don't have the mix of the two.

But I think universities are very well-prepared to go out and recruit those excellent teachers that we already work with. They're the supervising teachers for our student teachers. They're the teachers that hosts us for our field-based classes. We know who they are.

What we don't have is the money to be able to entice them to come into a doctoral program for 3 years, but we know where they are.

That does not mean that I don't think your idea of the National Board link is not a super one to pursue. Particularly in areas like math and science, that would be an excellent choice.

Mrs. DAVIS. Do you see communities where the businesses are stepping up and sponsoring, mentoring teachers? Have you seen that be successful?

Ms. CARDENAS. Businesses are stepping up, particularly in terms of encouraging the preparation of math and science teachers.

In San Antonio, we have a program called "You Teach," which is being fully supported by Mr. Tom Frost, a local banker. It seeks to increase the number of mathematics teachers. We're in our second year with this program. The enrollment is growing. We're very excited. This is secondary mathematics teachers.

But again, these people, are a very initial joint in the pipeline. We've got to look at the pipeline at all of the points at which we can make a difference.

I just want to say that in terms of dealing with issues of limited English proficient children, we can't wait for another reauthorization of the Higher Education Act. The numbers of these students, and the need to prepare people who can prepare others to teach them, is just very, very high, and in 6 years we're going to have a significant catastrophe on our hands if we don't do something about it now.

Mrs. DAVIS. Thank you. Thank you, Mr. Chairman.

Vice Chairman PORTER. Mr. Hinojosa, do you have some additional questions?

Mr. HINOJOSA. thank you, Mr. Chairman.

I'd like to ask Daniel Hall, would you please elaborate on your proposal to transfer CLEO from Title VII to Title IV of the Higher Education Act? How would you go about that?

Mr. HALL. Well, the reason that we are proposing that this program be transferred from Title VII to Title IV is because it would put it in the section of the statute with programs that are more akin to the Thurgood Marshall Legal Educational Opportunity Program, like the Ronald McNair.

This is more than just a simple program providing fellowships. It has the societal purpose of trying to work with young people to diversify our legal profession, to assist in success rates in law school and passing the bar, so we think it just is a more natural fit in the section, rather than Section 7.

Mr. HINOJOSA. Thank you.

Dr. Cardenas, it appears that you're making a good effort to develop professionals in your department at your university, and you mentioned that perhaps states such as Georgia, North Carolina, and Ohio could use your model approach. Would you elaborate on how such programs would work?

And the second question: seeing how Toyota has come into San Antonio to build a huge assembly plant and other companies that use a lot of engineers, like Boeing, Lockheed Martin, and others interested in trying to help us produce a lot more technicians and engineers, but naturally they know that, in order to meet that demand, they're going to need the supply of teachers, have you talked to them about investing in the areas that we need?

Ms. CARDENAS. Well, Toyota just got there, and they're certainly on our radar screen, but they're a little overwhelmed right now by people asking them to support things, so we're creating a strategy to reach that group.

The fact of the matter is that many businesses are supportive of the idea of training more teachers, particularly in the science and math arena, and we expect that this program that we've started with San Antonio's leading businessmen and leading citizens will enable us to reach out to other corporations.

On the issue of whether what we have to offer would be applicable in a Georgia or a North Carolina, I've talked with deans from some of those states, and many of them are just beginning to realize that they have a problem.

Clearly, there are models for preparing these teachers, very strong models, ours, a number of institutions in California, a number of institutions in New York City, we have the good models. They wouldn't have to start from scratch.

But we're all going to be fighting for the same faculty. These institutions in these areas of the country that have never had a large immigrant population simply don't have the capacity, and so we've got to produce the faculty so that then they can hire them and build their capacity.

So the answer on the one hand is yes, we can share the models—I would be willing to, and would be happy to. They would be applicable. But we still don't have enough people to teach those classes, and unless we can produce more people with doctorates in these areas, we're not going to have enough.

One-third of all special education positions in this country go unfilled every year for want of enough people prepared to become faculty in special education, at the same time that the special education legislation is making more demands on school districts.

Mr. HINOJOSA. You've just given me the justification to be able to convince another 118 Congressmen to vote for H.R. 2238, because that would be the solution.

Thank you very much, Dr. Cardenas.

Ms. CARDENAS. We aim to please, Congressman.

[Laughter.]

Vice Chairman PORTER. Doctor, you have all pleased us today. We appreciate everyone's testimony. Thank you for your time, for being with us, sharing your thoughts and ideas, and of course, the panel for its questions.

If there's no further business, the Committee will stand adjourned. Thank you.

[Whereupon, at 3:10 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]



*Promoting Excellence in Legal Education through the
Thurgood Marshall Legal Educational Opportunity Program*

September 22, 2003

Allison Ream
Subcommittee on Select Education
H-230 Ford House Office Bldg.
Washington, D.C. 20515

Dear Ms. Ream:

The enclosed document is being submitted in response to the questions raised about the Thurgood Marshall Legal Educational Opportunity Program by the Honorable Congressmen Porter and Gingrey at the September 9, 2003 subcommittee hearing. If you have any questions or need additional information, please contact me on (202) 216.4343. Thank you for the opportunity to submit this information.

Sincerely,

Cassandra Speed Ogden

Cassandra Sneed Ogden
Executive Director

American Bar Association Building, 740 15th Street NW, 9th Floor • Washington, D.C. 20005
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STATEMENT OF
Daniel Hall, Vice President – University Relations
University of Louisville
Before the
HOUSE SUBCOMMITTEE ON SELECT EDUCATION
COMMITTEE ON EDUCATION AND THE WORKFORCE

September 9, 2003

Follow-up Questions

- I. **How many students are being served under the Thurgood Marshall Legal educational Program (Please include data on the students' ethnicity and Financial status)?**

- II. **How many students have passed the bar examination (Please explain CLEO's efforts to increase bar passage rates)?**

Thurgood Marshall Legal Educational Opportunity Program Composite Data on Enrollment, Race/Ethnicity and Financial Classification Enrollment

The Thurgood Marshall Legal Educational Opportunity Program has an active enrollment of 663 CLEO/Thurgood Marshall Fellows and Associates who receive financial assistance awards and/or academic counseling through the program. Students who participate in the CLEO six-week Summer Institute Program are designated as "CLEO/Thurgood Marshall Fellows" (hereinafter "Fellows") and students who participate in the Thurgood Marshall Attitude Is Essential-Law School Success weekend workshops are designated as "CLEO/Thurgood Marshall Associates" (hereinafter "Associates"). Of the total enrollment there are 256 Fellows: 75 first-year Fellows, 93 second-year Fellows and 88 third-year Fellows. There are 407 Associates: 219 first-year Associates and 188 second-year Associates (The Attitude Is Essential-Law School Success weekend workshops were implemented in 2002. Consequently, there are currently no third year Associates participating in the program.).

In addition to the 663 students who receive direct benefits from their participation in the program, the CLEO/Thurgood Marshall Legal Educational Opportunity Program provides outreach, counseling and information to approximately 2,500 current and prospective law students and college scholars, who are interested in pursuing a legal career. These services are provided through our website, Sophomore Summer Institute, Law School Forums, telephone and in-person counseling, informational brochures and publications.

Race/Ethnicity

The CLEO/Thurgood Marshall Legal Educational Opportunity Program specifically targets students from racially diverse communities. Following is a class-by-class breakdown of CLEO/Thurgood Marshall Fellows and Associates enrolled in the program based on ethnicity:

Race/Ethnicity Chart

	African American	Hispanic	Asian	West Indian	African	Native American	Caucasian	Other
1 st Year Fellows	37	19	9	3	1	0	3	2
2 nd Year Fellows	47	8	11	5	3	0	5	2
3 rd Year Fellows	35	25	13	4	3	1	3	0
1 st Year Associates	140	61	19	5	4	5	5	6
2 nd Year Associates	89	53	25	5	2	2	2	1
Percentage	52%	24%	12.5%	4%	2%	1%	3%	1.5%

These CLEO/Thurgood Marshall Fellows and Associates attend a cross-section of ABA accredited law schools, state-supported and private, around the country and have been critical to diversifying the teaching environment at the schools they attend. These same students will ultimately play an important role in helping the CLEO/Thurgood Marshall Legal Educational Program fulfill its mission to diversify the legal profession.

Financial Classification

All certified CLEO/Thurgood Marshall Fellows who participate in the Thurgood Marshall Legal Educational Opportunity Program are eligible to receive financial assistance to help them gain access to and successfully matriculate through law school. Financial assistance awards are sent directly to the law school attended by the CLEO/Thurgood Marshall Fellow. Financial assistance is based on need. The factors used to determine the amount of financial assistance awarded to each Fellow are: (1) the cost of tuition and fees at the law school the Fellow attends and (2) whether the Fellow is from a low-income family, a minority, or from an economically or otherwise disadvantaged background. Fellows whose program eligibility classification is "low-income" receive an annual financial assistance award of \$5,000 to \$10,000, not to exceed 50 percent of their law school tuition and fees. Fellows whose program eligibility classification is "disadvantaged" receive an annual financial assistance award of \$5,000. Fellows whose program eligibility classification is "minority" receive an annual financial assistance award of \$1,000.

Following is an class-by-class breakdown of the financial classification of students enrolled in the Thurgood Marshall Legal Educational Program: 24% of the Fellows are Low-income, 22% economically disadvantaged, 34% otherwise disadvantaged and 10% minority. The remaining 10% of the first-year Fellows have not yet submitted the documentation required to determine their eligibility.

Financial Classification Chart

	Low income	Economically Disadvantaged	Otherwise Disadvantaged	Minority	Status to be determined
1 st Year Fellows	13	14	18	7	23
2 nd Year Fellows	19	20	39	13	0
3 rd Year Fellows	29	21	28	5	0
Percentage	24%	22%	34%	10%	10%

Thurgood Marshall Legal Educational Opportunity Program Composite Data on State Bar Passage

The most recent CLEO/Thurgood Marshall graduating class consisted of 66 Fellows (The Attitude Is Essential-Law School Success weekend workshops were implemented in 2002. Consequently, there are currently no 2003 graduating Associates in the program). The majority of those students took the July, 2003 bar examination, and do not expect to receive their bar results until late October, 2003. Consequently, CLEO is not able to provide bar passage rates for that class (We will submit those bar results as they become available.). However, bar passage rates from the 2002 CLEO/Thurgood Marshall class, which consisted of 58 graduating Fellows are listed in the table below. Of the 58 2002 graduates, 31 Fellows have contacted the CLEO office with information about their bar results. From that group, 26 Fellows passed the bar, 3 failed, 2 took the exam at a later date (July 2003) and are awaiting their results, and 27 students have yet to respond to inquiries by CLEO regarding bar passage results.

CLEO recently implemented a Bar Preparation seminar for third-year CLEO Fellows and Associates. The primary objective of the seminar is to reinforce analytical, writing and test-taking skills that are necessary to pass the bar examination. The seminar focuses specifically on the bar application process and the three major components of the bar exam: the Multi-State Examination (MBE), Essay Questions (MEF) and the Multi-State Performance Test (MPT). In addition to addressing the major components of the exam, CLEO also conducts a panel discussion with bar examiners from various jurisdictions around the country who provide students with firsthand knowledge of the requirements and expectations of their respective Bars. CLEO's overall approach is to provide Fellows and Associates with all the tools necessary to pass the bar examination.

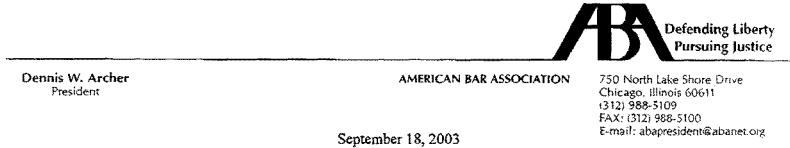
2003 CLEO/Thurgood Marshall Graduates Bar Results

STUDENT NUMBER	STUDENT NAME	BAR JURISDICTION	BAR EXAM RESULTS
1	Adams, Errol		
2	Agnant, Evelyn	New York	Passed
3	Arnold, James		
4	Braithwaite, Aisha	Maryland	Passed
5	Brown, Allison	Maryland	Passed
6	Brown, Sean		
7	Burns, Sean		
8	Carter, Timothy	Texas	Passed
9	Jeanilette (LNW)	California	Failed
10	Charles, Claude		
11	Cupid, Malik		

ID	STUDENT NAME	CHARACTERISATION	EXAM RESULTS
12	Davis, Elmer	Maryland	Waiting for results (exam date, July 2003)
13	Du, Lan		
14	Duncan, Zena	Florida	Passed
15	Easley, Tania		
16	Eason, Alphonso	Kansas	Passed
17	Flores, Daniele	New York/New Jersey	Passed
18	Ford, Arthur		Waiting for results (exam date, July 2003)
19	Forrester, Jomo		
20	Gandhi, Himesh	Texas	Passed
21	Garcia, Adolp		
22	Coins, Jonathan		
23	Golparvar, Kuyomars	Pennsylvania	Passed
24	Gonzalez, Oscar	Florida	Passed
25	Ibongo, Irene	New York/New Jersey	Passed
26	Jackson, Rashondra	New York	Passed
27	Jeanly, Wienia		
28	Jones, David		
29	Jones, Dirrell	Illinois	Passed
30	Jones-Wilson, Karia		
31	Lalama, Cheryl		
32	Legette, Gloria		
33	Lewis, Tina	Illinois	Passed
34	Roxanne (LNW)	New Jersey	Failed
35	Lorenzo, Alexis	New York	Passed
36	McNeil, Briana		
37	Mills, C.Scott		
38	Mitchell, Rodney		
39	Mitchell, Ronald		
40	Muscdin, Farrah	Illinois	Passed
41	Nelson, Aisha		
42	Pacheco, Catherine		
43	Parker, Kamilah	Illinois	Passed

ID	STUDENT NAME	STATE/JURISDICTION	EXAM RESULTS
44	Ramirez, Alma	Illinois	Passed
45	Rebinibas, Rosa	Connecticut	Passed
46	Rosario-Walker	Florida	Passed
47	Santos, benjamin	Washington	Passed
48	Shum, Lucy	California/Maryland	Passed
49	Smith, Joy	Florida	Passed
50	Smith, Patricia	Illinois	Passed
51	Talbert, Habakkuk		
52	Velisha (LNW)	Arizona	Failed
53	Togo, Tami		
54	Toure, Khadizeth		
55	Walker, Michael		
56	Williams, Curtis		
57	Williams, Jacqueline	New York	Passed
58	Zambrano, Armando	California	Passed

*LNW indicates that the student's last name has been withheld for privacy reasons.



The Honorable Peter Hoekstra
Chairman
Subcommittee on Select Education
Committee on Education and the Workforce
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Hoekstra:

As your subcommittee holds hearings to examine programs authorized under the Higher Education Act, I write on behalf of the American Bar Association to voice our strong support for the Thurgood Marshall Legal Educational Opportunity Program. It is of critical importance to the legal profession that the Marshall Program be continued, and that technical corrections be made to the authorizing legislation to enable it to become an even more effective tool in promoting opportunities for students of all backgrounds and ethnicities to pursue a legal education.

As you know, the Marshall program provides low-income, minority and disadvantaged college students with the information, preparation and financial assistance to gain access to and complete law school study. Specifically, the program identifies qualified individuals; provides information and counseling to undergraduate students about the academic requirements for law school; assists them with the application process and in preparation for the LSAT; sponsors pre-law summer institutes; and provides support services during their first year in law school.

The program is administered by the Council on Legal Education Opportunity (CLEO), a non-profit project of the ABA's Fund for Justice and Education. Our Association joined with other organizations to create CLEO in 1968 as a means of addressing the problem of under-representation in the legal profession of minorities and other disadvantaged persons. Together with the ABA, CLEO is governed by the Association of American Law Schools, the Hispanic National Bar Association, the Law School Admissions Council, the National Asian Pacific Bar Association, the National Bar Association, and the Society of American Law Teachers.

Despite the efforts of these and so many other organizations over the past three decades to increase diversity in the legal profession, we know that much remains to be done. The total number of minority lawyers in the United States – less than 1% in 1968, 5% in 1980 – has risen only to just over 10% today. This is in stark contrast to the changing face of our nation. Minorities currently make up over 30% of America's population, and are expected to surpass 50% by the middle of this century. The failure of the legal profession to reflect the diversity of our society poses a significant threat to public trust and confidence in our legal system.

The Honorable Peter Hoekstra
September 18, 2003
Page Two

The preservation of the rule of law is based, in large measure, on the willingness of citizens to accede to the decisions of the justice system. Such willingness is dependent on a belief that the legal process and rendering of judicial decisions are fair to all members of society. This belief can be undermined by the lack of representation of diverse racial and ethnic groups in the offices and operations of the system. The ABA strongly believes that the full participation of all racial and ethnic groups in the legal profession will help preserve the legitimacy of our legal system and safeguard the integrity of our democratic government.

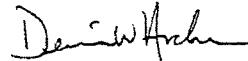
The Thurgood Marshall Program is designed to address the need for diversification by assisting minority and disadvantaged students in acquiring the education and skills to be competitive in the law school application process, to successfully complete their legal education, and to move on to meaningful careers in the legal profession and beyond. Increasing diversity among our law graduates will not only strengthen the profession but will also serve to enrich society as a whole. Today, lawyers serve as leaders in many areas beyond the traditional law practice, including as local, state and federal office holders, university presidents, heads of major corporations and directors of public interest and community organizations. We can't afford to forgo the broad range of talent, perspective and experience that people of diverse backgrounds bring to these positions.

In order for CLEO to more effectively perform its mission under the Marshall Program, we urge modifications in the authorizing legislation to: 1) clarify CLEO's authority to award Marshall Fellowships; 2) allow CLEO to make sub-grants to law schools and to national, state and local bar associations to conduct outreach programs at the pre-college level; and 3) allow CLEO to award Marshall Fellowships to law students who complete similar pre-law programs and are enrolled in ABA-accredited law schools. We also hope that the amount of federal funding authorized for the program will be increased from the current \$5 million to \$10 million.

If our nation's legal system is to be perceived as just, all of its citizens must have the opportunity to play a role in developing and delivering justice. The Thurgood Marshall Legal Educational Opportunity Program is of modest cost and has a significant impact on the number of persons from minority and disadvantaged backgrounds that are able to enter the legal profession. We urge you to support its reauthorization, with the above-mentioned modifications.

Thank you for your attention to this important issue.

Sincerely,



Dennis W. Archer

**Statement of Delia Pompa, Executive Director and Patricia Loera,
Legislative Director, National Association for Bilingual Education**

Mr. Chairman and Members of the Subcommittee:

The National Association for Bilingual Education (NABE), an association representing the 5 million limited English proficient (LEP) students in the United States and the educational personnel that serve them, is pleased to have the opportunity to present its views on Title VII of the Higher Education Act. NABE's recommendations focus on improving the ability of schools of education to adequately prepare all teachers, including bilingual and ESL teachers, and key support personnel for limited English proficient students. Our primary concern is the lack of faculty (teacher trainers) at the more than 1,200 schools of education who are qualified to prepare teachers to meet the unique linguistic and academic needs of LEP students.

Demographic Trends of Children with Limited English Proficiency

There are more than 5 million children with limited English proficiency attending American schools today, and their numbers are growing exponentially. This number represents almost 10 percent of total public school student enrollment and has increased by eight times the rate of the total student enrollment. This number will only grow larger given the growth in the number of children that speak a language other than English at home (almost 10 million making up nearly 20 percent of children in K-12 with more than two-thirds of those speaking Spanish at home).

Although they are still primarily concentrated in six states—California, Texas, New York, Florida, Illinois and Arizona—students with limited English proficiency are now present in every state and in almost half of our nation's school districts. Many states reported significant increases in the number of LEP students enrolled. Fifteen states reported increases of 200 to 600 percent in LEP enrollments from school years 1992–2002. Georgia claimed the most marked increase in LEP enrollment (671 percent), with North Carolina (652 percent), Nebraska (571 percent), South Carolina (378 percent), Tennessee (371 percent), Alabama (368 percent), Kansas (359 percent), and Nevada (274 percent). Twenty states reported increases between 50 and 200 percent. Please see the attached chart.

These demographic trends underscore the need for federal efforts to prepare highly qualified teachers to help LEP students learn English and keep up with their academic subjects. The No Child Left Behind Act (NCLB) requires that there be a highly qualified teacher in every classroom by the 2005–06 school year, including bilingual/ESL teachers. NCLB also created new accountability and reporting requirements for LEP students that require states and schools to demonstrate that LEP students are making progress in learning English and keeping up with academic subjects like reading, math and science.

Preparing Teachers for Limited English Proficient Students

The increased numbers of LEP students and the new NCLB accountability requirements support the need for the federal government to invest in helping schools of education produce highly qualified teachers for LEP students. Federal support to ensure there are sufficient teacher trainers (faculty at schools of education) is even more critical given the shortage of bilingual/ESL teachers. Data collected by the American Association for Employment in Education reveal a “considerable shortage” in bilingual education teachers (4.48 on a 5-point scale) and “some shortage” in ESL (3.89 on a 5-point scale). A coalition of the nation's urban school districts, the Council of the Great City Schools represents 14 percent of the nation's school children and over 30 percent of the nation's LEP population. Sixty-two percent of surveyed districts report a shortage of LEP teachers. Sixty-six percent of surveyed districts anticipate an LEP teacher shortage within the next five years, amounting to over 6,000 teachers.

Beyond the shortage of bilingual/ESL teachers there is also the need to prepare all teachers to address the unique linguistic and academic needs of LEP students. After LEP students transition from specialized classrooms, they are placed in all English instruction classes with regular teachers. These “mainstream” teachers must be trained on the process of second language acquisition because it can impact the academic achievement of LEP students. All teachers need to have:

- The ability to function in cross-cultural settings and with students from diverse backgrounds;
- Knowledge about second language acquisition and how English language learners develop language skills in both first and second languages;
- Strategies for supporting diverse groups of students in regular classrooms; and
- Strategies for developing literacy skills among diverse groups of learners.

Sadly, of the over 1.3 million teachers who are teaching LEP students in some capacity, only 154,000 of those teachers (12.5%) have had eight or more hours of preparation in the last three years on how to teach these students (NCES, 2002). And, NCES 2001 data found that only 27% of teachers of LEP students felt "very well prepared" to teach students with limited English proficiency, while the majority (60%) felt only "somewhat" or "moderately" well prepared and 12% reported feeling "not prepared at all."

The Challenges for Schools of Education to Prepare Teachers

To ensure that schools of education are adequately preparing teachers for limited English proficient children as required under NCLB, a direct effort must be made to improve the quality of faculty and research at our nation's schools of education. To do so would require support to increase the number of teacher trainers (faculty) and enhance program administration, research and curriculum development supporting LEP students.

Unfortunately, schools of education lack trained faculty to prepare regular and bilingual/ESL teachers. Most schools of education do not offer post baccalaureate or higher degrees in bilingual/bicultural or ESL/foreign language. Out of the 1,200 schools of education, only 79 schools of education offer a Masters degree, advanced certificate or Ph.D. in bilingual/ESL.

Recommendations for Title VII

NABE proposes to include language in Title VII of the Higher Education Act to create Graduate Fellowships in Teaching Limited English Proficient Students. This graduate fellowship would help build the cadre of faculty (teacher trainers) and other support personnel at the schools of education by supporting masters, doctoral, and post-doctoral study related to instruction of children and youth of limited-English proficiency in such areas as teacher training, program administration, research and evaluation, and curriculum development, and for the support of dissertation research related to these areas of study. The proposed language requires fellows to subsequently work in the field of bilingual education/ESL for five years or repay the fellowship amount.

We have seen and benefited from the success of these graduate fellowships. For many years, graduate fellowships in bilingual education were authorized under Title VII, The Bilingual Education Act in the Elementary and Secondary Education Act (ESEA). These fellowships were evaluated by a congressionally mandated study of the impact of Title VII Bilingual Education Fellowship Program submitted in December 1991. The study found that with the fellowship, of the 1,721 fellows participated between 1979 and 1987, 1432 were pursuing a doctoral degree; 104 were post-master's students; and 185 were enrolled at the master degree level. The vast majority of fellows who worked in the field of bilingual education/ESL to fulfill their contractual obligations to the program did so in the same region in which they had pursued their graduate degree. Of the fellows studied, 93 percent were in compliance with their contractual obligation to the fellowship program.

While we have seen this fellowship work in the past, it is important to look at the present day needs of candidates who would be interested in doctoral study. These candidates would likely be master teachers at the K-12 level who are committed to improving the education of LEP and all students. These master teachers have the talent, skills and commitment for the rigorous of graduate and doctoral study but often lack the financial support to pay for the degree. The fellowship would provide the support for tuition, books, and a stipend under certain conditions. In addition, the schools of education would have an incentive to develop specializations in second language acquisition at their schools.

NABE would also support creating a fellowship for special education. To the extent the Committee considers creating a fellowship for special education, we urge the committee to include a priority for fellows to support doctoral students who pursue study in special education for LEP students. NABE believes that around 600,000 LEP students¹ should receive services under the Individuals with Disabilities Education Act. Therefore, the need for faculty trained on both special education and second language acquisition is critical given the small number of faculty that are experts in the field of bilingual special education.

¹This number was estimated using the U.S. Department of Education's figure of 4.5 million LEP students for SY 2000-01 and multiplying by 12%, the percentage of the school-aged population that Congress estimated would need special education services. This number would be 540,000 students. However, given that approximately 70% of LEP students live in poverty, NABE estimates that the number of LEP students with disabilities is actually closer to 600,000.

Conclusion

Thank you for the opportunity to submit testimony on this important issue. We look forward to working on a bipartisan basis to improve our Nation's schools of education and the future teachers for our diverse K-12 student population. Investing in teacher programs aimed at improving the educational performance of LEP students is key to our Nation's future.

